

FILED
IN THE UNITED STATES DISTRICT COURT
BILLINGS, MT.

2009 MAR 16 PM 1 36
FOR THE DISTRICT OF MONTANA

PATRICK E. DUFFY, CLERK

BILLINGS DIVISION

DEPUTY CLERK

GREGORY L. WALLACE)	CV-08-39-BLG-RFC-CSO
)	
Plaintiffs,)	
)	
vs.)	
)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS OF
GEORGE GOBER, et al.,)	U.S. MAGISTRATE JUDGE
)	
Defendants.)	
)	

On February 23, 2009, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation with respect to the 28 U.S.C. § 1915 prescreening of Wallace's *pro se* complaint. *Doc. 13*. Magistrate Judge Ostby recommends this Court dismiss this action without prejudice for failure to comply with Rule 8 Fed.R.Civ.P. and the orders of the Court. Magistrate Judge Ostby further recommends this Court certify that any appeal of this dismissal would not be in good faith.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the Findings and Recommendation. Failure to object to a

magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).


After a review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** that this matter is **DISMISSED WITHOUT PREJUDICE**.

Pursuant to Fed.R.App.P. 24(a)(4)(B), it is **CERTIFIED** that any appeal taken by Plaintiff from this disposition would not be taken in good faith.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 16 day of March, 2009.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE